



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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Assistance for Voters in Nursing Homes or Long Term Care Facilities

In all states, the most common way for residents of nursing homes or long term care facilities to vote is by requesting and voting an absentee ballot. However, they may have more difficulty obtaining a ballot or voting a ballot than other voters, so 32 states have statutes that specifically address voting by residents of nursing homes or long term care facilities. See the table below for full details.

The most common form of assistance is “supervised absentee voting” or “mobile polling.” These efforts are conducted in the residential facility, by bipartisan team of workers trained by local election officials. The following x states have statutory requirements that permit mobile polling. Some determine where mobile polling will be offered on the number of people who have requested absentee ballots, and others on the number of registered voters are in residence. Generally, local election officials are responsible, except in Michigan and Rhode Island, where statutes assign responsibility to the secretary of state and state board of elections, respectively.

Mobile polling, also known as supervised absentee voting, is the most common form of assistance, permitted by statute in 23 states. See specific regulations in the table below. These efforts are conducted in the residential facility, by bipartisan team of workers trained by local election officials. Some states determine where mobile polling will be offered based on the number of people who have requested absentee ballots, and others on the number of registered voters in residence. Generally, local election officials are responsible for mobile voting, but in Michigan and Rhode Island, statutes assign responsibility to the secretary of state and state board of elections, respectively.

Additionally:

- In all states, residents of long term care facilities have the right to vote; Arkansas, Ohio and Oregon have statutes that specify that.
- New Hampshire and Vermont specify that a voter doesn’t lose his or her domicile by staying in a nursing facility.
- New Mexico permits a resident of a nursing facility to request an absentee ballot after the close of the application period for absentee ballots, and this may be delivered by a representative of the voter’s choosing.
- Michigan requires posters to be hung in residential care facilities that explain that ballot coaching (coercing a voter) is illegal, and California makes it a crime to coerce a vote from a resident of a long term care facility.
- Connecticut, Florida, Maine and Maryland have laws regarding voter registration for long term care residents.
- 18 states have laws specifying who can assist long term care residents to voter. Most commonly, assistance can come from an agent of the voters choosing, but not a representative of a union or employer.

Source: *National Conference of State Legislatures*

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For questions or updates, contact NCSL’s Elections Team at 303-364-7700.

NOTE: This document addresses statutory references only. Instructions and procedures are often detailed in administrative code, whether or not the state has statutes addressing the needs of nursing home residents. Examples include Georgia's [Voting in Georgia: A Guide for Nursing Home Administrators](#), or Idaho's [Administrative Code](#) and Wisconsin's [Absentee Voting in Nursing Homes, Retirement Homes and Adult Care Facilities Manual](#), published in 2013.

Statutes Governing Voting by Residents of Long Term Care Facilities

State and Statute	Voter Registration Laws for Nursing Home Residents?	Who may assist nursing home residents to vote?	Specific actions required of election officials for voting
Arkansas Ark. Code Ann. § 7-5-409 Ark. Code Ann. § 20-10-1003	Not Specified	Not Specified	County clerk confirms applicant is a qualified registered elector, and delivers ballots directly to voter, designated bearer, authorized agent, or facility administrator, and residents of nursing facilities have "The right to exercise civil liberties, including the right to vote."
California Ca. Elec. Code § 3021 and Ca. Elec. Code § 18573	Not Specified	Authorized representative of the voter	<p>Voters who cannot vote because of a physical impairment (whether in a nursing facility or otherwise), can request that a ballot be delivered, even after the period to request a vote-by-mail ballot has closed. The request period closes on the 7th day before the election.</p> <p>It is a felony to mislead a voter to whom assistance is given.</p>
Colorado CRS § 1-7.5-113	Not Specified	Not Specified	An employee of the county clerk and recorder and a representative appointed by each of the major political parties, when available, deliver ballots to nursing facilities and return them to the office of the county clerk and recorder.
Connecticut Conn. Gen. Stat. § 9-159q Conn. Gen. Stat. Ann. § 9-19c	Allows registration at nursing home, if town clerk or registrar of voters receives a signed application of 25 or more voters of a residential facility	Not Specified	At the request of residents or an administrator of a nursing facility, a registrar or designees deliver absentee ballots and supervise voting.
Florida Fla. Stat. § 101.655 Fla. Admin. Code Ann. r. 65E-5.602	Requires facility to make available voter registration forms	Two members of supervisor team (one from each party), or someone else of the voter's choosing, may assist voters	Supervisor of elections is required to provide supervised voting at nursing homes if a written request from an administrator of a nursing facility, including the names of more than five voters, is received 21 days before the election. Supervised voting will be provided by teams of at least two people, representing at least two political parties.

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Illinois 10 Ill. Comp. Stat. Ann. 5/19-12.1 10 Ill. Comp. Stat. Ann. 5/19-12.2 10 Ill. Comp. Stat. Ann. 5/19-4	Not Specified	Not Specified	<p>Two judges from different parties must provide supervised absentee voting between 9 a.m. and 7 p.m. either on the Friday, Saturday, Sunday or Monday immediately preceding the regular election.</p> <p>Specifically includes veterans' facilities.</p>
Indiana Ind. Code Ann. § 3-11-10-25 and 3-11-10-36	Not Specified	Not Specified	<p>A two-member bipartisan absentee voting board delivers an absentee ballot, and returns it to the county clerk.</p> <p>Note: statutes are for any confined voters, not just those in nursing facilities.</p>
Iowa Iowa Code Ann. § 53.22	Not Specified	Not Specified	<p>Ballots are delivered by precinct election officials representing the two major parties in the days prior to the election.</p>
Kansas Kan. Stat. Ann. § 25-2812	Not Specified	<p>Any member of the special election board may provide assistance, or anyone designated by the voter (and this person will sign a written statement as prescribed)</p>	<p>The local election official will request a date to offer voting in nursing facilities. If granted, a special election board of two or more members, not of the same party, will administer ballots to registered voters who are residents.</p>
Louisiana La. Rev. Stat. Ann. § 18:1333	Not Specified	<p>The voter may receive assistance from the registrar or any person selected by the voter, with some exceptions. Exceptions include the owner, operator, or administrator of the nursing home or an employee of any of them. No person except a spouse, blood relative, or the registrar may assist more than one voter in voting.</p>	<p>A voter must request to participate in the Nursing Home Early Voting Program; the registrar will deliver ballots on an assigned day.</p>

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Maine 21-A MRSA § 753-B and § 754-A	The municipal clerk offers voter registration at licensed facilities	Anyone selected by the voter, but not the voter's employer or agent of that employer or officer or agent of the voter's union	The municipal clerk goes to licensed facilities to conduct absentee voting; any resident who cannot vote during that time can request an absentee ballot.
Maryland Election Law Article, §2-202(b)(11)	Specifies voter registration as well as voting	Not Specified	Not Specified in Statute; delegates the establishment of procedures to the state board
Massachusetts M.G.L. c. 54, § 91B and M.G.L. c. 54, § 98	Not Specified	A person the voter designates	A registrar, assistant registrar or absent registration officer delivers ballots to facilities where voters have requested this service. Assistance in marking ballots is available for any voter who requires it.
Minnesota Minn. Stat. Ann. § 203B.11	Not Specified	An agent who has a pre-existing relationship with the voter, specified by the voter, and not a candidate	An agent selected by the voter may deliver an absentee ballots, and return the voted ballots, or two election judges from two political parties can deliver ballots and assist voters according to law.
Mississippi Miss. Code Ann. § 23-15-625	Not Specified	A family member may request absentee ballot for resident	Not Specified in Statute
Missouri V.A.M.S. 115.287	Not Specified	Not Specified	If the election authority receives ten or more applications for absentee ballots from a facility, the election authority shall appoint a team to deliver, witness voting, and return the voter's absentee ballot
Nebraska Neb. Rev. Stat. § 32-944	Not Specified	Not Specified	Two volunteer registered voters who are from different parties may administer ballots. Note: the availability of volunteers has an impact on the extent of this program; most residents vote by mail
New Hampshire N.H. Rev. Stat. 654:2 and 654:12	Not Specified	Not Specified	Specifies that a voter's domicile is not lost by staying in a hospital or nursing facility; does not specify procedures for assisting these voters
New Mexico N. M. S. A. § 1-6-16.2	Not Specified	Not Specified	After the end of the period to request an absentee ballot, a voter in a nursing facility may request an "alternative ballot." The county clerk must compare the requesting signature with voter's affidavit of registration. A ballot will be released to an authorized representative of the voter.
New York N.Y. Elec. Law § 8-407	Not Specified	Two members of the board of inspectors or other persons selected by resident may assist in voting	When the board of elections of a county receives 25 or more applications for absentee ballots from a nursing care facility, it shall provide supervised absentee voting. Bipartisan boards of inspectors shall deliver ballots to each resident—to the bedside if necessary.

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North Carolina N.C. Gen. Stat. Ann. § 163-226.3	Not Specified	Near relative, verifiable legal guardian, and members of the county board of elections may assist; if these people are not available, then voter's choice with exclusions	Not Specified in Statute
North Dakota 16.1-07-04 and 16.1-13-27	Not Specified	The elector's choice other than employer, officer or agent of the elector's union, a candidate running in that election, or a relative of a candidate. If the elector chooses to receive assistance from the election board, two election judges from different political parties must provide the requested assistance.	Local election officials, accompanied by two appointed election judges, deliver absentee ballot in person outside of the election official's office, in locations such as nursing facilities. All three must be present while delivering the ballot to and from the voter's location and while the voter is marking the ballot.
Ohio Ohio Rev. Code § 3501.29 Ohio Rev. Code § 3509.08 Ohio Rev. Code § 3721.13	Not Specified	Two board employees belonging to the two major parties may assist residents	Procedures for voting in nursing facilities not set out in statute; Residents' Rights include the right to vote.
Oklahoma Okla. Stat. 26 § 14-113.2 and 26 § 7-123.3	Not Specified	a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union	On the Thursday, Friday, Saturday, or Monday preceding the election, the absentee voting board shall deliver ballots to each resident who has requested one.
Oregon Or. Admin. R. 309-043-0430	Not Specified	Not Specified	The right to vote established but no procedures are laid out

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Rhode Island R.I. Gen. Laws § 17-20-14 R.I. Gen. Laws § 17-20-2	Not Specified	Bipartisan pairs of supervisors	State Board of Elections shall appoint bipartisan pairs of supervisors who assist voters in residences, witness votes, and ensure proper marking, sealing, and mailing of ballots
South Dakota SDCL § 12-19-9.1	Not Specified	Representatives of auditors offices may assist voters	If the county auditor might reasonably expect five or more absentee applications, he or she will provide for supervised absentee voting at the facility
Tennessee Tenn. Code Ann § 2-6-601 Tenn. Code Ann § 2-6-201	Not Specified	Voting deputies representing both major parties	County election commission may begin voting in nursing homes 29 days before an election. Both absentee voting deputies shall attest to each ballot
Texas Tex. Elec. Code § 64.034 Tex. Elec. Code § 86.003	Not Specified	Voter's choice, but not employer, agent of employer or the voter's union	Not Specified in Statute
Vermont 17 V.S.A § 2122	Not Specified	Not Specified	Statute specifies that residents don't lose their residency and thus their right to vote because they are in a health care facility
West Virginia W. Va. § 3-3-4 and W. Va. § 3-3-5c	Not Specified	Voter's choice, but not employer, agent of employer, union officer or agent of a union	A bipartisan ballot commissioners appear in person and provide voting materials
Wisconsin Wis. Stat § 6.875	Not Specified	Special voting deputies or a family member	Two special voting deputies visit each home with requested absentee ballots

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